

63-26-03

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In Application of: Solow, Howard

Group Art Unit: 3628

Serial No.: 10/553,930

Filed: 04/23/2003

Examiner:

For: Foldable transportable multiple function Pilates exercise apparatus and method

Commissioner of Patents and Trademarks
P.O. Box 1450
Arlington, VA 22313-1450

Petition Under Rule 1.182

This petition requests formal removal of the Petition dated June 15, 2007 from application number 10/533,930 where it was filed improperly because the original Petition inadvertently referenced that number versus the proper application number of 10/553,930. The Declaration accompanying the petition had the proper application number of 10/553,930.

This petition also requests that the original petition be granted.

Enclosed is the \$400 fee under Rule 1.17(f).

Thank you for your continued assistance in this application.

Dated: March 24, 2008

Respectfully submitted,

/Rick B. Yeager/

Rick B. Yeager
Attorney at Law
10805 Mellow Lane
Austin, Texas 78759
Registration No. 39,434
Telephone (512) 918-1237
Facsimile (512) 918-1238
No. of Application 10/553,930

03/26/2008 EAREGAY1 00000021 10553930

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400.00 OP



CERTIFICATE under 37 CFR 1.10 of MAILING by "EXPRESS MAIL"

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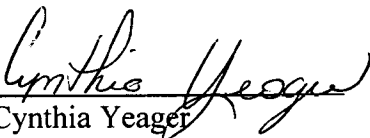
Date of Deposit: March 25, 2008

I hereby certify that the following correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date shown above and is addressed to Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Petition Under Rule 1.182

\$400.00 Petition fee under Rule 1.17(f)

Copies from patent office- 7 pages


Cynthia Yeager

RICK B. YEAGER
ATTORNEY AT LAW

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Austin, Texas 78759
(512) 918-1237
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June 15, 2007

Mail Stop PCT
Commissioner for Patents
Office of PCT Legal Administration
PO Box 1450
Alexandria, VA 22313-1450

ATTN: Office of PCT Legal Administration

Re: Application of SOLOW, Howard J., et al; Application No.: 10/533930;
For Foldable Transportable Multiple Function Pilates Exercise Apparatus and Method

DECISION in response to "Response to Notification of Missing Requirements" - Letter from
Erin P. Thomson, Attorney advisor, PCT Legal Administration mailed April 25, 2007

Dear Mr. Thomson,

Enclosed is a new Declaration for inventor Michael Arbuckle.

The revised declarations now comprise:

1. The original Declaration except for supplemental Page 2 of 3, which only added Mr. Arbuckle's original signature; and
2. The enclosed new complete Declaration for Mr. Arbuckle.

Background

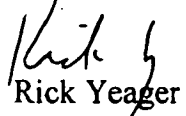
Page 2 of the declaration has the signature of Howard Solow of Boulder, Colorado.

Supplemental page 1 includes a signature of Julie Lobdell of Boulder, Colorado and Scott Douglas of Denver, Colorado. Supplemental page 3 includes a signature of Gregory Caluori of Lakewood, Colorado. These pages form a complete Declaration.

The problem was created when Mr. Arbuckle signed a faxed copy of Supplemental page 1, and that original signature was submitted without a complete Declaration.

Thank you for your assistance.

Sincerely,


Rick Yeager



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

25 APR 2007

Rick Yeager
10805 Mellow Ln
Austin TX 78759

In re Application of
SOLOW, Howard J., et al.
Application No.: 10/553,930
PCT No.: PCT/US03/12812
Int. Filing Date: 23 April 2003
Priority Date: None
Docket No.: PEAK 03
For: FOLDABLE TRANSPORTABLE
MULTIPLE FUNCTION PILATES
EXERCISE APPARATUS AND METHOD

DECISION

This decision is in response to "Response to Notification of Missing Requirements," filed in the above-captioned application on 21 November 2006.

On 07 September 2006, the Office mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) was required.

On 21 November 2006, applicants submitted a declaration of the inventors comprised of a 2 page declaration and 3 pages of supplemental sheets. Supplemental sheets 1 of 3 and 2 of 3 bear two of the same executions, but the page numbers are different. The pages were clearly altered after they were executed by the inventors. Applicants are reminded that it is improper for anyone, including counsel, to alter, rewrite or partly fill in any part of the application, including the oath or declaration, after execution of the oath or declaration by the application. MPEP 605.04(a). See 37 CFR 1.52. Further, while it is acceptable for inventors to execute separate copies of the oath or declaration, the complete copy of the oath or declaration, as executed by the inventor, must be submitted to the Office.

An oath or declaration in compliance with 37 CFR 1.497(a)-(b) must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file the proper response will result in abandonment of this application. Extensions of time are available under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Erin P. Thomson

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292
Facsimile: 571-273-0459

CERTIFICATE under 37 CFR 1.10 of MAILING by "EXPRESS MAIL"

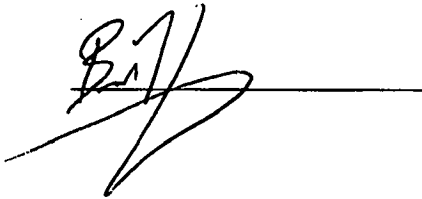
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Date of Deposit: June 20, 2007

I hereby certify that the following correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date shown above and is addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, VA 22313-1450

The original Declaration except for supplemental Page 2 of 3, which only added Mr. Arbuckle's original signature; and

The enclosed new complete Declaration for Mr. Arbuckle

A handwritten signature in black ink, appearing to be "B. J. Arbuckle", is written over a horizontal line.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63)

☐ Declaration
Submitted
With Initial
Filing

OR

☒ Declaration
Submitted after Initial
Filing (surcharge
(37 CFR 1.16 (e))
required)
Attorney Docket
Number

PEAK 03

First Named Inventor

Arbuckle, Michael

COMPLETE IF KNOWN

Application Number

10/553,930 PCT/US03/12812

Filing Date

4/23/2003

Art Unit

Examiner Name

I hereby declare that:

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Foldable Transportable Multiple Function Pilates Exercise Apparatus and Method

(Title of the Invention)

the specification of which

☐ is attached hereto

OR

☒ was filed on (MM/DD/YYYY) 4/23/2003 as United States Application Number or PCT International

Application Number PCT/US03/12812 and was amended on (MM/DD/YYYY) (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

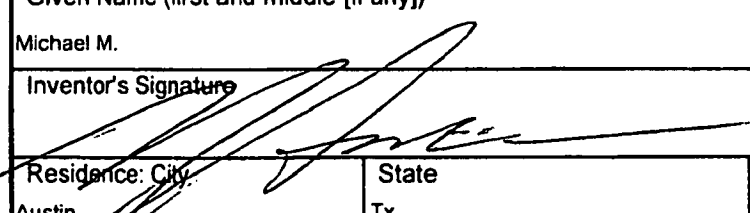
☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

(Page 1 of 2)

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance completing the form, call 1-800-PTO-9199 and select option 2.

DECLARATION — Utility or Design Patent Application

Direct all correspondence to:	<input checked="" type="checkbox"/>	The address associated with Customer Number:	54,366	OR	<input type="checkbox"/>	Correspondence address below
Name Rick B. Yeager						
Address 10805 Mellow Lane						
City Austin			State TX		ZIP 78759	
Country USA		Telephone 512-918-1237		Email ryeager@austin.tx.com		
WARNING:						
<p>Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.</p>						
<p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.</p>						
NAME OF SOLE OR FIRST INVENTOR:			<input type="checkbox"/> A petition has been filed for this unsigned inventor			
Given Name (first and middle [if any]) Michael M.				Family Name or Surname Arbuckle		
Inventor's Signature 					Date 5.25.06	
Residence: City Austin		State Tx		Country USA		Citizenship USA
Mailing Address 1811 Burbank						
City Austin		State Texas		Zip 78757		Country USA
<input type="checkbox"/> Additional inventors or a legal representative are being named on the _____ supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.						